



12-22-04

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**Confidential Information**

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Monday, December 20, 2004

Attn: Mr. Hugh B. Thompson II, Primary Examiner Art Unit 3634

Commissioner for Patents  
Mail Stop: Amendment  
P.O. Box 1450  
Alexandria, VA 22313 1450

Re: Office action concerning:  
-US Utility Patent application 10/664,183  
-by Karnes et al.  
-filed on September 17, 2003  
-for the "Escape-Right"  
-confirmation #3323.

Mr. Thompson:

I enclose:

- 1) an amended claim section with marked up changes
- 2) a clean copy version of the amended claim section

Please enter the above amendment to the subject application.

The **rejection of claims 1, 6, 9, and 10 under 35 USC 112** as being indefinite is obviated by entry of the above amendment to the claims.

We respectfully disagree with your "**rejection of claims 1-8 under 35 USC 102(b)**" as being anticipated by Da-Tan et al # 4,941,549" and request that you withdraw this rejection for the following reasons:

1) Da-Tan et al discloses and teaches the reel 19 or driving member 19 to be a link wheel suitable for use with a chain loop. "Driving member 19 is a link chain wheel having a peripheral chain groove". Da-Tan et al, does not teach or disclose the use of a rope or cable attached to the driving reel and payed out from said reel as taught by the present invention: "As the weight of the user 1 tensions the cable 4 the reel 6 pays out the cable 4 by rotating". This distinguishes the reel of the present invention from the "link chain wheel" of Da-Tan et al. Anticipation requires that each and every element of the anticipating invention be found in the anticipated invention. Since Da-Tan et al does not disclose or teach the use of the reel disclosed and taught by the present invention, the present invention is not anticipated by Da-Tan et al.

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2) Da-Tan et al discloses and teaches the use of a rope loop: "rope 21 is a link chain formed by a plurality of chain elements 211 and is positively engaged in chain groove 191 for circulating thereon". Figure 12 of Da-Tan et al makes clear that the invention of Da-Tan et al is limited to a continuous loop of chain engaging the driving member using a notched groove machined in the wheel with notches designed to engage the chain. The present invention discloses and teaches a cable and reel assembly in which the cable is payed out (not circulated) by rotation of the reel. This distinguishes the cable of the present invention from the "rope loop" of Da-Tan et al. Anticipation requires that each and every element of the anticipating invention be found in the anticipated invention. Since Da-Tan et al does not disclose or teach the use of the cable disclosed and taught by the present invention, the present invention is not anticipated by Da-Tan et al.

Sincerely,



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